

DOCKET NO.: BELL-0170 / 01415
Application No.: 09/990,011
Office Action Dated: 5/16/2005

PATENT

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig 4. The sheet replaces the original sheet including Fig 4.

Attachment: Replacement Sheet for Figure 4.

REMARKS

Status of the Claims

- Claims 2-12 and 14-24 are pending in the Application after entry of this amendment.
- Claims 1-4, 8, 9, 11, 13-16, 20, 21 and 23 stand rejected.
- Claims 5-7, 10, 12, 17-19, 22 and 24 are objected to.
- Claims 2-4, 6-12, 14-17 and 19-24 are currently amended by Applicants.
- Claims 1 and 13 are cancelled by Applicants.

Allowable Subject Matter

The Examiner states that Claims 5-7, 10, 12, 17-19, 22 and 24 would be allowable subject matter if rewritten to overcome the rejections and objections set forth in the Office Action dated 5/16/2005. Applicants thank the Examiner for the identification of allowable subject matter and address the rejections and objections below.

Claim Rejection Pursuant to 35 U.S.C. §101

Claims 1-12 are rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. Specifically, the Office Action dated 5/16/2005 asserts that Claims 1-12 are not tangibly embodied in a manner as to be executable. Applicants have amended Claim 10 to incorporate Claim 1 and have amended the preamble to direct the claim to a method for modeling a computing architecture, the method executed on a computer. Applicants submit that clarifying that the method is executed on a computer directs amended Claim 10 to be statutory subject matter. Applicants request reconsideration and withdrawal of the 35 U.S.C. §101 rejection for independent Claim 10 and dependent Claims 2-9, 11 and 12.

Claim Objections and Amendments

Claims 5-7, 10, 12, 17-19, 22 and 24 are objected to as being dependent upon non-allowed base claims. The Examiner states that Claims 5-7, 10, 12, 17-19, 22 and 24 would be allowed if rewritten to overcome rejections and objections and to include all of the limitations

of the base claims and any intervening claims. In addition, Claims 14-17 and 19-24 are objected to because the dependent claims have preambles incompatible with their base claims.

Applicants have amended Claim 10 to include base Claim 1 in order to present the allowable subject matter of Claim 10 in independent form. Applicant has also amended the preamble as noted above to recite statutory subject matter. Thus, rewritten Claim 10 is in a form for allowance. Claims 2-4, 6-9, 11 and 12 are amended to depend from now-allowable independent Claim 10.

Applicants have amended Claim 17 to include base Claim 13 in order to present the allowable subject matter of Claim 17 in independent form. Claims 14-16 and 19-21 are amended to depend from now-allowable independent Claim 17. This amendment also overcomes the incompatible preamble objection.

Applicants have amended Claim 22 to include independent Claim 13 in order to present the allowable subject matter of Claim 22 in independent form. Claims 23 and 24 are amended to depend from now-allowable independent Claim 22.

Rejected base Claims 1 and 13 are cancelled by Applicants. Accordingly, Applicants submit that pending Claims 2-12 and 14-24 are now in allowable form. Applicants respectfully request withdrawal of the 35 USC §101 rejections as well as the stated objections in light of the amendments made herein.

Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1, 9, 11, 13, 21 and 23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0012990 to Zimmerman et al. in view of Synapse: Banalyser-Online Network Protocol Database.

Claims 2 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0012990 to Zimmerman et al. in view of Synapse: Banalyser-Online Network Protocol Database and in further view of US. Patent Publication No. 2001/0054035 to Lee.

Claims 3 and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0012990 to Zimmerman et al. in view of Synapse:

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Banalyser-Online Network Protocol Database and in further view of U.S. Pat. No. 6,208,345 to Sheard et al.

Claims 4 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0012990 to Zimmerman et al. in view of Synapse: Banalyser-Online Network Protocol Database and in further view of U.S. Pat No. 5,426,422 to Vanden Huevel et al.

Claims 8 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2001/0012990 to Zimmerman et al. in view of Synapse: Banalyser-Online Network Protocol Database and in further view of U.S. Pat No. 5,249,296 to Tanaka.

Applicants respectfully traverse the 35 U.S.C. §103(a) rejection in light of the amendments made herein. Applicants have cancelled Claim 1 and amended Claims 2-9 and 11-12 to refer to now allowable independent Claim 10. Applicants have cancelled Claim 13 and amended Claims 14-16 and 18-21 to refer to now-allowable independent Claim 17. Applicants have amended Claims 23 and 24 to refer to now-allowable independent Claim 22. Applicants submit that the amendments traverse the 35 USC §103(a) rejection.

Drawing Amendments

Applicants have attached a revised Figure 4 which modifies the reference designator labeled “340” to be “440”. The reference designator “440” on Figure 4 now comports with the use of the same designator on page 10 of the specification. Applicants submit that no new matter is added as a result of the revised drawing.

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Conclusion

In view of the above remarks and amendments, Applicants respectfully submit that Claims 2-12 and 14-24 of the present application are in a condition for allowance. Accordingly, a Notice of Allowance is earnestly requested.

Respectfully submitted,

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